DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant states its method teaches may be implemented in the form programmed instructions stored on or in data recording media. The applicant does not fully describe what constitutes a data recording media. It is office position that any storage media includes both transitory media such as signals or transmission media and non-transitory media such as RAM, or ROM. The examiner recommends that the applicant amends the specification to recite that the data recording media is non-transitory media.

Appropriate correction is required.

Claim Objections

2. Claims 1-2, 5-6, and 9-10 are objected to because of the following informalities: Applicant's dependent claims describe the second state as a call connected state. However, the independent claims are already recite a connected state. Therefore, the examiner can not determine the difference between the connected state and second state. Appropriate correction is required.

Response to Amendment

3. The amendment filed on 3/22/10 has been considered but is ineffective to overcome the cited prior art references.

4. The amendment filed on 3/22/10 is sufficient to overcome the rejection of claims 5-6, and 14 based upon 35 USC 101.

Response to Arguments

5. Applicant's arguments filed 3/22/10 have been fully considered but they are not persuasive. The examiner disagrees with the applicant that Kohler fails to disclose placing the second call in a pending answer state, and waiting for the first incoming call to progress to a second state. The applicant states the queue can not be the pending answer state, since both calls are placed in the queue. The examiner views the pending answer state as any incoming call that is not the head of queue. Yes, both incoming calls are placed in the queue, but only one incoming call can be at the head of the queue. So when the first and second incoming call are received, the first incoming call will placed at the head of the queue and second incoming call will have to wait for the first incoming call to be connected to agent before it will be place at the head of queue to be connected (answered) to an agent (see figure 9 of Kohler, which is discussed in column 10, lines 15-67). Therefore, the examiner maintains the prior art rejections of independent claims 1, 5, and 9. Additionally, the rejections of claims 2, 6, 10, and 13-15, which are dependent from independent claims cited above, are maintained for the same reasons.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohler et al. (US 5,206,903).

Regarding to claim 1 (see figure 9), Kohler teaches a method for processing incoming calls comprising: receiving at least first and second incoming calls (steps 900, 901: column 10, lines 15-25: ACD receives incoming calls), determining whether the first incoming call is in a connected state (step 902, column 10, lines 25-45, it is examines the oldest call in the queue. if the first call is in a connected state, the it will be longer at the head of the queue.); if the first call is in a connected state, answering the second call (Kohler will examine and start process to connect the next call in the queue as it did the first call. Column 9, lines 15-46); if the first call is not in a connected state (if first call is not connected, it will place at the head of the queue. column 10, lines 25-45): placing the second call in a pending answer state (Since there can be only one call at the head of queue, the second call will placed behind the head of queue.); and placing the second call in a pending answer state, and waiting for the first incoming call to progress to a second state (Since the second call is not at the head of queue, it most wait until the first call is connected to agent. Column 10, lines 10-45), answering the second incoming call after the first incoming call progresses to the second state (Now that the first call is connected to an agent, then it will be removed from the head of queue. Then, the second call can not be placed at the head of queue so it can be process to connect (answered) to an agent. column 10, lines 10-45).

Regarding to claim 2, Kohler further teaches the second state is a call connected state (which the examiner views the call connected state as the state when the call is removed from the head of queue and connected to an agent. column 10, lines 10-45).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 5-6, 9-10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler in view of Miloslavsky et al. (US 6,597,685).

Regarding to claims 5, and 9 (see figure 9), Kohler teaches a method for processing incoming calls comprising receiving at least first and second incoming calls (steps 900, 901: column 10, lines 15-25: ACD receives incoming calls), determining whether the first incoming call is in a connected state (step 902, column 10, lines 25-45, it is examines the oldest call in the queue. if the first call is in a connected state, the it will be longer at the head of the queue.); if the first call is in a connected state, answering the second call (Kohler will examine and start process to connect the next call in the queue as it did the first call. Column 9, lines 15-46); if the first call is not in a connected state (if first call is not connected, it will place at the head of the queue. column 10, lines 25-45): placing the second call in a pending answer state (Since there can be only one call at the head of queue, the second call will placed behind the head of queue.); and placing the second call in a pending answer state, and waiting for the first

incoming call to progress to a second state (Since the second call is not at the head of queue, it most wait until the first call is connected to agent. Column 10, lines 10-45), answering the second incoming call after the first incoming call progresses to the second state (Now that the first call is connected to an agent, then it will be removed from the head of queue. Then, the second call can not be placed at the head of queue so it can be process to connect (answered) to an agent. column 10, lines 10-45).

Kohler discloses all of the subject matter as described above except for instructions be on a video conferencing station. Miloslavsky teaches a PBX/ACD that accepts and routes multiple (video) calls to a plurality of video station as well as normal voice calls (column 5, lines 1-25). Thus it would have been obvious to one having ordinary skill in the art at the time invention was made to have ACD of Kohler to be able to handle and process multiple video calls as taught by Miloslavsky's ACD in order to improve service and speed for routing video calls and conferencing though and CTI enhanced telephone systems (column 2, lines 1-25). Therefore the combination of Kohler and Miloslavsky will teach ACD.PBX as a video conferencing station as seen in figure 1 of Miloslavsky.

Regarding to claims 6 and 10, Kohler further teaches the second state is a call connected state (which the examiner views the call connected state as the state when the call is removed from the head of queue and connected to an agent. column 10, lines 10-45).

Regarding to claims 13-15, Miloslavsky also teaches: starting a timer when placing the second incoming call in the first state; and hanging up the second incoming

call and placing it in a third state if the timer expires (Miloslavsky's ACD is similar to Kohler's ACD except that Miloslavsky's ACD uses a timer to terminated a call, when it can not connect the call (see figure 3, steps 294-298). These steps in figure 3 teach that ACD disconnects the call (third state) and sends out busy signal. The examiner views sending a busy signal as hanging up the call, because it forces the caller to end the call, and try to call back later.).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00 p.m. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 6/09/10

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467